IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 8TH OCTOBER 2007 / 16TH ASWINA 1929

WP(C).No. 29012 of 2007(D)

PETITIONER:

VODAFON ESSAR CELLULAR LTD. FORMERLY KNOWN AS HUTCHISON ESSAR CELLULAR LTD., ASHISH BUILDINGS, COCHIN-31, REPRESENTED BY ITS MANAGER LEGAL, RAJESH, MELETH VEETTIL, AGED 36 YEARS, S/O RAGHAVAN MELEHVEETTIL.

BY ADV. SRI.P.SATHISAN

RESPONDENTS:

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1. ALAKODE GRAMA PANCHAYATH REPRESENTED BY ITS SECRETARY, ALAKODE P.O., KANNUR.

2. SECRETARY, LOCAL ADMINISTRATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

BY G.P. SRI.K.JMUHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 08/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 29012 of 2007

Dated this the 8th day of October , 2007

JUDGMENT

Even though the Panchayat has been served with notice by special messenger, they have not entered appearance before this court for resisting the prayers in the writ petition. The averment in the writ petition stands established by non traverse. Issue seems to be covered by the judgment of the Division Bench in **Reliance Infocom Ltd. v. Chemanchery Grama Panchayat (2006 (4) KLT 695).** I quash Ext.P5 and direct the respondent Panchayat to take a fresh decision on the issue after hearing the petitioner and a representative of the persons who are opposed to the establishment of tower in the Panchayat area by the petitioner. Decision as directed above will be taken in the light of the principles laid down by this court in Reliance Infocom Ltd. (supra) case.

PIUS C. KURIAKOSE,
JUDGE.

Dpk